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Reynaldo Salinas, Isabel Salinas,  
And Jessica Salinas, Individually  
And as Representative of the  
Estate of Jose Martin Salinas*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

REYNALDO SALINAS, ET AL,

Plaintiffs,

vs.

AMTECK OF TEXAS, ET. AL.,

Defendants.

Case No.: CV 08-01463 (PJH)

**ATTORNEY DECLARATION**

Date: July 23, 2008

Time: 9:00 a.m.

Courtroom: 3

**ATTORNEY DECLARATION SUPPORTING PLAINTIFFS' OPPOSITION TO  
DEFENDANTS AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY'S  
NOTICE OF MOTION FOR ASSESSMENT OF FEES AND COSTS AGAINST PLAINTIFFS  
AND FOR STAY OR DISMISSAL OF PROCEEDING PENDING PAYMENT**

I, MICHAEL A. HAWASH, declare:



1           1.       I am an attorney at law licensed to practice in the State of Texas and am a partner  
2 with Farrar & Ball, LLP, counsel of record for Plaintiffs. I am lead counsel for Plaintiffs in the  
3 above-styled and numbered cause.  
4

5           2.       Attached to Plaintiffs' Response as Exhibit A is the Affidavit of Wesley Todd  
6 Ball. This is a true and correct copy of the original. Mr. Ball was lead counsel for Plaintiffs at  
7 the time the events giving rise to Defendants' motion occurred.  
8

9           3.       I declare under penalty of perjury that the foregoing is true and correct.  
10

11 Dated: July 2, 2008

***FARRAR & BALL***

*/s/ Michael Hawash*

\_\_\_\_\_  
Michael Hawash, Esq.  
Attorney for Plaintiffs

15 Dated: July 2, 2008

***CORSIGLIA MCMAHON & ALLARD***

*/s/ Timothy D. McMahon*

\_\_\_\_\_  
Timothy D. McMahon, Esq.  
Attorney for Plaintiffs



CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and forgoing document was sent via ELECTRONIC SERVICE (through ECF website) to the counsel listed below on July 2, 2008:

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*Attorneys for Defendant,  
Snorkel International, Inc.*

I declare under penalty of perjury that the forgoing is true and correct.

*/s/ Timothy D. McMahon*

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TIMOTHY D. MCMAHON



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

REYNALDO SALINAS, ET AL,	)	Case No.: CV 08-01463 (PJH)
	)	
Plaintiffs,	)	<b>AFFIDAVIT OF ATTORNEY</b>
	)	<b>WESLEY T. BALL</b>
vs.	)	
	)	
AMTECK OF TEXAS, ET. AL.,	)	
	)	
Defendants.	)	
	)	

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**AFFIDAVIT OF WESLEY T. BALL IN SUPPORT OF OPPOSITION  
TO DEFENDANTS' MOTION FOR COSTS AND DISMISSAL**

On this day **WESLEY T. BALL** personally appeared before me, the undersigned notary public, and after first being sworn, testified as follows:

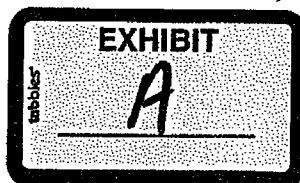
1. "My name is Wesley T. Ball. I am over the age of 21, have never been convicted of a felony or a misdemeanor involving moral turpitude, and am in all respects competent to testify to the facts stated in this Affidavit. The statements made herein are true and correct and based upon my own personal knowledge, unless otherwise stated.

2. This case entitled Reynaldo Salinas, et. al. v. Amteck, et. al., Superior Court, State of California, Napa County, Case No. 26-35179 ("Salinas California State Court Action") was filed on March 6, 2007.

3. On August 1, 2007 Plaintiff Jose Salinas was added to the California State Court Action as a claimant.

4. On October 29, 2007 Plaintiffs voluntarily dismissed the California State Court Action.

5. On November 14, 2007 Plaintiffs filed Reynaldo Salinas et.al. v. Amteck of Kentucky, Inc. et. al. ("Texas State Court Action"). Plaintiffs re-filed this matter in





Hidalgo County, Texas state court in order to add as Defendants to this matter US Trades, LLC. and Snorkel International, Inc. Snorkel International, Inc. was believed to be amenable to jurisdiction in Texas due in part to the fact it maintained a regional sales office in Grapevine, Texas. US Trades, Inc. – an Illinois company – was believed to be amenable to jurisdiction in Texas due in part to the fact it recruited, hired, dispatched, and trained Plaintiffs in Texas. It was understood by Plaintiffs' counsel that neither Snorkel International, Inc. and US Trades were amendable to jurisdiction in California.

6. Both Snorkel International, Inc. and US Trades were believed, and remain in belief, to be essential participants to the June 16, 2006 incident in which Jose Salinas was killed and Reynaldo Salinas suffered debilitating injuries.

7. Due to the death of Jose Salinas, Plaintiffs' counsel understood Texas Labor Code Section 408.001(b) to provide a cause of action against his employer, US Trades, LLC, which was not barred by the Texas Worker's Compensation exclusive remedy.

8. Because Plaintiffs' counsel believed Jose Salinas could maintain a cause of action against US Trades, LLC in Texas and because both US Trades, LLC and Snorkel International, Inc. were amenable to jurisdiction in Texas, Plaintiffs filed a voluntary dismissal, without prejudice, and exercised their lawful right to re-file the California State Court Action in Texas state court and thereby add as defendants US Trades, LLC and Snorkel International, Inc.

9. Plaintiffs and Plaintiffs' counsel did not dismiss and re-file any action against Defendants Haskell Company and/or Amteck of Kentucky, Inc. for the purpose of harassment or to cause excessive costs in any manner whatsoever. All actions with




regard to voluntary dismissal as expounded on herein were done in good faith and for no other purpose.

Further, Affiant sayeth not."



WESLEY T. BALL

SWORN TO AND SUBSCRIBED before me on the 2<sup>nd</sup> day of July 2008, to which witness my hand and seal of office.



Notary Public, in and for  
The State of Texas

